SCHOOLS AND SCHOOL DISTRICTS—PUBLIC SCHOOL FUNDS—SUPPORT OF PAROCHIAL SCHOOLS.—Plaintiff brought suit to enjoin directors of an incorporated school district from appropriating or paying out public school funds for the support, aid or maintenance of a parochial school. *Held,* the injunction should be granted. *Knowlton* v. *Baumhover,* (Ia., 1917), 166 N. W. 202.

In this case the evidence showed the study of the Catholic catechism, the display of emblems, the use of Catholic prayer books and the wearing by the teachers of robes peculiar to their order. That the Constitution of the United States and state constitutions and statutes prohibit the use of the public schools for sectarian religious purposes is not disputed. Just when a certain use comes within the prohibition is not always so clear. The holding of morning exercises in the public schools, consisting of reading by the teacher without comment of extracts from the Bible, King James' version, and repeating the Lord's prayer and the singing of appropriate songs in which pupils are not required to join does not amount to sectarian teaching within the constitutional prohibition. *Church* v. *Bullock,* 104 Texas 1. This case represents the prevailing view and is supported by *Pfeiffer* v. *Board of Education,* 118 Mich. 560; *Billard* v. *Board of Education,* 69 Kan. 53; *Hackett* v. *Brooksville Graded School District,* 120 Ky. 608; *Donahue* v. *Richards,* 38 Me. 379. The contrary view is reached in *People ex rel. Ring* v. *Board of Education,* 245 Ill. 334 and *State ex rel Weiss* v. *District Board,* 76 Wis. 177. A regulation of the department of public instruction prohibiting teachers in public schools from wearing a distinctively religious garb while engaged in the work of teaching is not unreasonable. *O'Connor* v. *Hendrick,* 184 N. Y. 421. This case was followed in *Commonwealth* v. *Herr,* 229 Pa. 132. The case of *Hysong* v. *Gallitzin Borough School District,* 164 Pa. 629 (1894) held that persons could not be excluded from the public schools because they wore the garb of a particular religious order. In 1895 the statute involved in *Commonwealth* v. *Herr* was passed which prohibited the wearing of such apparel. The holding of parts of graduating exercises of public schools in churches as well as permitting ministers to deliver prayers is not giving sectarian instruction. *State* v. *District Board,* 162 Wis. 482. A contract between the trustees of a graded school and a sectarian school by which the sectarian school leased to the graded school two rooms in its school building and turned over the control and supervision of the graded school to the president of the sectarian institution is a violation of the constituional prohibition against religious use. *Williams* v. *Board of Trustees, Stanton Common School District,* 173 Ky. 708. The present case seems to be in accord with the prevailing view.

SUNDAY LABOR—"DAILY NECESSITY".—Appellant operated a moving picture show in a city in close proximity to Fort Roots, one of the national army cantonments, at which were stationed some five thousand soldiers and eight thousand laborers. Sunday was practically the only day on which these men had an opportunity to attend shows or indulge in other forms of recreation. Appellant, admitting the operation of the show on Sunday, was convicted of violating a statute prohibiting labor on Sunday other than that of "daily ne-

cessity, comfort or charity". *Held,* the operation of the show was not a work of necessity within the meaning of that word as employed in the statute. *Rosenbaum* v. *State,* (Ark., 1917), 199 S. W. 388.

In most jurisdictions statutes exist specifically prohibiting concerts, shows and other theatrical performances on Sunday. It has been held, however, that such statutes do not apply to moving picture shows. *People* v. *Hemleb,* 127 App. Div. 356. In the absence of such special statutes, the operation of theaters has been prevented under statutes similar to that involved in the instant case. *Quarles* v. *State,* 55 Ark. 10; *Topeka* v. *Crawford,* 78 Kan. 583. The same result has been reached with regard to moving picture shows. *State* v. *Ryan,* 80 Conn. 582; *Moore* v. *Owen,* 58 Misc. 332. In all these cases the courts have uniformly rejected the contention that such performances were works of necessity, and have professedly adhered to the classic definition evolved in *Flagg* v. *Inhabitants of Millbury,* 4 Cush. 243, to the effect that "a moral fitness or propriety of the work and labor done, under the circumstances of any particular case, may well be deemed a necessity within the statute." Whether, in view of the conditions existing in the present case, the labor came within the exception might be more open to question than the court is willing to admit. It must be remembered, however, that the construction and enforcement of these statutes depend in a large measure upon the state of public sentiment as to the strictness with which the Sabbath should be observed, and Arkansas has consistently adhered to a severe interpretation of their "blue laws". HARRIS, SUNDAY LAWS, §§ 98-119.

TAXATION—PUBLIC PURPOSE.—Respondent sought to recover taxes paid under protest, which had been assessed to it under a law for the partial support of mothers who are dependent upon their own efforts for the support of their children. Under the law, the child must be under fifteen years of age, living with the mother. The allowance is only to be given when by means of it the mother will be able to remain at home with her children. She must in the judgment of the county commissioners or juvenile court be a proper person for the bringing up of her children. And the allowance must be necessary to save the child or children from neglect. *Held,* that the tax was for a public purpose. *Denver & R. G. R. Co.* v. *Grand County,* (Utah, 1917), 170 Pac. 74.

Assumed powers of doubtful legality have gone unchallenged more often perhaps in this class of cases than in any other. 14 L. R. A. 474, note. In *Baltimore* v. *Keeley Institute of Maryland,* 81 Md. 106, taxation for treatment of habitual drunkards in a private institution was held constitutional. *Re House,* 23 Colo. 87, accord. *Wisconsin Keeley Institute Co.* v. *Milwaukee County,* 95 Wis. 153, *contra.* A tax for needy blind was held constitutional in *State ex rel.* v. *Edmondson,* 89 Ohio St. 351; but the law must insure the application of the money to the support of the individual or to prevent him from becoming a public charge or in some measure to control its use by him. *Davies* v. *Boyles,* 75 Ohio St. 114, 7 L. R. A. (N. S.), 1196. In *Hager* v. *Kentucky Children's Home Society,* 119 Ky. 235, an appropriation of public funds to be expended by a private corporation organized to provide homes